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SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA, CIVIL (UNLIMITED) DIVISION

MEDARDO LOPEZ and MARGARITA LOPEZ,)
as parents of decedent MILANCA LOPEZ; and, as)
representatives of XAVIER C., deceased.)

Plaintiffs,

vs.

THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA; JOSE HUGO LUMBRERAS;
CEPHAS JOHN; AND DOES 1-100.,

Defendants.

Civil Case No.: RG 13679125

FIRST AMENDED COMPLAINT FOR DAMAGES

1. VIOLATION OF TITLE IX [20 U.S.C. 1681(a)];
2. NEGLIGENCE PER SE;
3. NEGLIGENCE
4. NEGLIGENCE
5. NEGLIGENT SUPERVISION;
6. PREMISES LIABILITY;
7. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS;
8. NEGLIGENT INFLICTION OF EMOTION DISTRESS;
9. BATTERY;
10. ASSAULT;
11. GENDER VIOLENCE [Cal. Civ. Code 52.4]
12. VIOLATION OF TITLE VI [42 U.S.C. 2000d et seq.]
13. NEGLIGENCE- WRONGFUL DEATH

DEMAND FOR JURY TRIAL

JURISDICTION AND VENUE

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3 1. Jurisdiction is conferred on this Court by the laws of California because each of the
4 Defendants live and do business in Alameda County. Pursuant to the Cal. Code of Civ. Proc. §
5 395, venue is proper in Alameda County because all the Defendants reside in this county, and
6 because a substantial part of the events and omissions giving rise to the Plaintiff's claims
7 occurred in Alameda County. Thus, this claim is proper in the Unlimited Civil Division of this
8 court.

INTRODUCTION

9
10 2. This is an action for damages arising out of a graduate student-teacher and
11 supervisor's physically abusive relationship with an undergraduate student which deprived the
12 student victim of educational opportunities, the life of her minor child, and her own life. This
13 action is brought by Plaintiffs, the biological parents of the undergraduate student and the
14 grandparents of her minor child, respectively.

15 3. Plaintiffs seek to recover for the systematic physical, mental, and psychological
16 harassment and dating/domestic violence abuse that the Regents of the University of California
17 (hereinafter "U.C. Regents") knew and/or should have known about but failed to take adequate
18 steps to prevent. As alleged herein, a graduate student and teacher of Defendant U.C. Regents
19 inflicted severe and pervasive abuse upon said undergraduate student and her minor child. This
20 abuse culminated in a drunk driving automobile collision that occurred on or about May 18, 2012
21 and led to the death of both the undergraduate student and her minor child. Defendants U.C.
22 Regents ignored actual and constructive knowledge of this harassment. Defendant's deliberate
23 indifference to this harassment and abuse gave rise to causes of action for Title VI of the Civil
24 Rights Act of 1964 and Title IX of the 1972 Amendments to the Civil Rights Act of 1964 [20
25 U.S.C. § 1681(a)]; Negligence; Negligence Per Se; Negligent Supervision; Premises Liability;
26 Negligent Infliction of Emotional Distress; Intentional Infliction of Emotional Distress; and
27 Assault and Battery.
28

PARTIES

4. Plaintiffs Medardo Lopez and Margarita Lopez (herein after "Plaintiffs") are the parents and next of kin of decedent Milanca Lopez and bring this action pursuant to Cal. Code of Civ. Proc. §377.60. Plaintiffs are also the biological grandparents of Xavier C., the minor son of their daughter Milanca Lopez, and bring this survival action to recover medical costs incurred during Xavier's one week stay at children's hospital before his death on or about May 25, 2013.

5. Decedent Milanca Lopez was an undergraduate student at the University of California Berkeley from July 2007 to May 18, 2012. She was eighteen (17) years old and the parent of a two (2) year old child at the time she moved from her home in Southern California to the campus of U.C. Berkeley, thus, U.C. Berkeley assumed the role of Loco Parentis. At all relevant times mentioned in the complaint, Milanca Lopez lived in the University Village residential housing complex reserved for students at the University of California Berkeley whom lived with their minor children. Milanca Lopez died on May 18, 2012 due to the fatal injuries she sustained in an incident involving an automobile driven by Defendant Jose Hugo Lumbrearas. At the time of her death, Milanca was scheduled to continuing living in her University Village student apartment until June 29, 2012. Milanca regularly used and was set to continue to use her federal student aid to pay for her apartment and living expenses, including child care.

6. Plaintiff Xavier C. (herein after "Xavier"), born April 14, 2006, lived in the University Village with his biological mother, student Milanca Lopez. Xavier sustained severe injuries due to an automobile incident caused by the negligence of the Defendants on or about May 18, 2012. On information and belief, Xavier C. did not die immediately during the incident described above. He survived for approximately seven (7) days while being treated at The Children's Hospital in Oakland, California. Xavier C. died on or about May 25, 2012 due to the injuries he sustained in the automobile collision caused by the Defendants.

7. On information and belief, the medical treatment of Xavier C. was paid for by Medi-Cal. As such, Medi-cal services would have a statutory right to reimbursement of reasonable medical fees incurred by Xavier. Thus, Plaintiffs bring this action, in part, as private Attorney Generals pursuant to Cal. Code of Civil Proc. § 1021.6 in order to seek appropriate reimbursement of payments expended by Medi-Cal.

1 8. Plaintiff brings this action by and through his grandparents and representatives,
2 MEDARDO LOPEZ and MARGARITA LOPEZ, as the surviving child of Milanca Lopez.

3 9. Plaintiffs are informed and believe and on this information allege that
4 Defendant Regents of the University of California (hereinafter "U.C. Regents") is, and at all
5 times mentioned in this complaint was, a corporation duly organized and existing under the laws
6 of the State of California. Defendant U.C. Regents maintained and controlled the University of
7 California Berkeley, an institution of higher learning that at all times mentioned in this complaint
8 maintained direction and authority over its campus, the University Village residential student
9 housing complex, student Milanca Lopez, and Defendant Jose Hugo Lumbreras.

10 10. Defendant Jose Hugo Lumbreras was at all times mentioned in the complaint a
11 graduate student and teaching assistant acting under the direction and authority of the Ethnic
12 Studies Department of the University of California Berkeley.

13 11. Plaintiffs are informed and believe and on this information and belief allege that
14 Defendant Cephas John (hereinafter "Mr. John") is and at all times herein mentioned was
15 employed by Defendant the U.C. Regents as the Family Student Housing Coordinator at U. C.
16 Berkeley. His formal title was Leasing & Assignment Manager in the Residential and Student
17 Services Programs. As such, Mr. John maintained authority over housing issues at the
18 University Village, including but not limited to issues involving student housing payments,
19 grants, residence security, and housing assignments. As a student affairs officer within the U.C.
20 Berkeley Housing Department, Mr. John's position required a specialty in "counseling".

21 12. Plaintiffs are ignorant of the true names and capacities of defendants sued in this
22 complaint as Does 1-100, inclusive, and therefore sues these defendants by these fictitious
23 names. Plaintiff will amend this complaint to allege their true names and capacities when
24 ascertained. Plaintiff is informed and believes and alleges on this information and belief that
25 each of the fictitiously named defendants is responsible for the occurrences alleged in this
26 complaint, and that plaintiff's injuries as alleged in this complaint were proximately caused by
27 each of these defendants.

28 13. Plaintiffs are informed and believe and thereon allege that at all times mentioned in
this complaint, each of the Defendants, was acting as the partner, agent, servant, owner,
supervisor, and employee of each of the remaining Defendants, and in doing the things alleged

1 herein was acting within the course and scope of such agency and within the training and scope
2 of employment with the knowledge of the remaining Defendants.

3
4 STATEMENT OF FACTS
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6 14. At all times mentioned in the complaint, Defendant U. C. Regents operated
7 educational activities and programs in a public institution of higher learning that received federal
8 financial assistance, including but not limited to federal aid paid to Defendant in the form of
9 tuition on behalf of its student body.
10

11 15. Milanca Lopez, at all times mentioned in the complaint, was a female of Mexican-
12 American descent whom fit within the class of persons protected by the Civil Rights Act of 1964
13 and the 1972 Education Amendments based upon her sex and race.

14 16. Plaintiffs are informed and believe and thereon allege that on or about the Fall
15 semester of 2011, Defendant Lumbreras used his position as a graduate student teacher in the
16 Ethnic Studies Department to initiate a relationship with Milanca Lopez, an undergraduate
17 student whom volunteered in Ethnic Studies student organizations. On information and belief,
18 Defendant Lumbreras had power, authority, and influence over undergraduate students both
19 during classroom settings and during extracurricular student organization meetings associated
20 with Defendant U.C. Regents.
21
22

23 17. On or about January 2012, soon after initiating the relationship, Defendant Lumbreras
24 used his position of power, authority, and influence to assert control over Milanca. Defendant
25 Lumbreras began to publicly insult Milanca in front of undergraduate and graduate students in
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1 the Ethnic Studies Department by stating that she was a “dirty whore”, “slut”, and “not Mexican
2 enough”.

3 18. Plaintiffs are informed and believe and thereon allege that on or about January 2012,
4 Defendant Lumbreras invited Milanca to his home to use and/or smoke marijuana with other
5 students. After using this narcotic in the presence of Milanca’s minor child, Defendant took
6 Milanca into the bathroom of the house in order to have sex with her. When Milanca’s six year
7 old child knocked on the door to the bathroom and asked for his mother, Defendant opened the
8 door. In full view of the six year old child and other U.C. Berkeley students, Defendant told the
9 child, “Get out of here, you wanna know what the fuck I’m doing to your mom? Come here so
10 you can see what I’m doing to your mom!” Defendant then pulled the minor child into the
11 bathroom. In view of the child and other U.C. Berkeley students, Defendant had sex with
12 Milanca by repeatedly penetrating Milanca from behind, with his penis. At which point, Milanca
13 attempted to withdraw consent and otherwise stop Defendant from having sex with her in front
14 of her child.
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18 19. Plaintiffs are informed and believe and thereon allege that on or about March 2012,
19 Defendant moved into Milanca’s apartment in the University Village.
20

21 20. On or about April 26, 2012, Milanca called a fellow U.C. Berkeley
22 student and neighbor in the University Village apartments to ask for a ride to pick up her son
23 from school. Milanca was visibly upset and crying. Milanca indicated that Defendant refused to
24 use his Black 1999 Cadillac to pick her son up from school because Defendant was at a bar (the
25 Bear’s Lair) on the campus of U.C. Berkeley drinking. Milanca further indicated while crying
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1 that Defendant was drunk at the bar on campus and that she had to pick him up from said bars
2 multiple times.

3 21. Later that same evening, at approximately 1:30a.m. on or about April 27, 2012
4 Milanca called the same U.C. Berkeley student while she was noticeably crying to report that
5 Defendant Jose Lumbreras was in the act of "punching and kicking" her in her apartment,
6 located in the University Village at 980 Ohlone Avenue, Unit 987, Albany, California.
7

8 22. Plaintiffs are informed and believe and thereon allege that Defendant abruptly hung
9 up the telephone while Milanca was reporting his violent acts of abuse.
10

11 23. On information and belief, Milanca's neighbor and fellow student immediately called
12 back to Milanca's house during the incident. Defendant answered the telephone but refused to
13 allow Milanca to speak with her neighbor.

14 24. At approximately 1:38a.m. U.C. Berkeley students responded to Milanca's apartment
15 to check on Milanca within minutes of her initial call. At which time, Milanca ran out of the
16 apartment half dressed, crying, screaming, in a panic while holding her six year old child.
17 Milanca repeatedly cried that Defendant was punching and kicking her while her child was
18 present.
19

20 25. Upon running out of her apartment while holding her minor child, Milanca was
21 observed by witnesses in a panic state with fresh bruises on her arms and thighs.
22

23 26. Milanca and her minor child were forced to leave their apartment for their own
24 safety and taken to a neighbor's apartment in the University Village to spend the night.

25 27. On or about April 27, 2012 at approximately 4:00a.m., Defendant Lumbreras
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1 proceeded to search for Milanca at her neighbor's apartment. Defendant Lumbreras was
2 noticeably intoxicated, belligerent, volatile, and smelled of alcohol while banging on the
3 neighbor's door. Defendant Lumbreras had full knowledge that two minor children lived in the
4 home, yet for approximately 45 minutes, Defendant continued to yell in front of other U.C.
5 Berkeley students and University Village residents that Milanca was a "dirty whore" and "slut"
6 and that her son Xavier was a bastard child that, he "hate[s]"!

8 28. On or about April 27, 2012 at approximately 8:00a.m., Milanca returned to her home
9 to observe that Defendant had broken and otherwise vandalized numerous items throughout her
10 entire home. Among the items Defendant broke were Milanca's pictures, lap top, television,
11 purse, and jewelry box. These items were scattered all over Milanca's apartment.

13 29. On information and belief, in early May 2012, University of California Berkeley
14 Police Department Officers responded to Milanca's apartment on two separate occasions. In
15 each incident, Officers had authority over Defendant Lumbreras and the premises. Officer failed
16 to draft notes, reports, or otherwise removed Defendant from the apartment for an investigation.

18 30. On or about May 7, 2012, Milanca telephoned U.C. Berkeley Family Housing
19 Coordinator Cephas John to inform him of the above-cited dating and domestic violence
20 incidents. Milanca also wrote an email to Defendant Cephas John concerning the incident.

22 31. Plaintiffs are informed and believe and thereon allege that domestic violence is a
23 significant issue within the U.C. system. In fact, in 2007 the Defendant U.C. Regents received a
24 \$1 million dollar grant from the U.S. Department of Justice, Office of Violence Against Women
25 in order to implement comprehensive educational programs that addressed sexual assault, dating
26 and domestic violence, and stalking in order to help prevent violence against women on U.C.

1 premises. On information and belief, such comprehensive education programs were intended for
2 the entire university community.

3 32. Plaintiffs further allege, based upon information and belief, that the U.C. Berkeley
4 Campus Procedures for Responding to Reports of Sexual Harassment require managers,
5 supervisors, and designated employees to notify the Title IX Sexual Harassment Officer when a
6 report is received.¹

7
8 33. Defendant Cephas John had the authority to prevent such harassment, and thus, he
9 was responsible for reporting and otherwise taking reasonable steps to prevent further acts of
10 dating, stalking, and domestic violence incidents at the University Village. On information and
11 belief, Defendant Cephas John breached this duty, proximately caused and contributed to the
12 damages herein alleged,

13
14 34. Plaintiffs allege that based upon information and belief, Mr. John and Defendant
15 U.C. Regents failed to prevent further incidents of stalking, dating, and domestic violence.

16
17 35. Further, U.C. Regents supervisors, students, and academic appointees were required
18 to receive a minimum of two (2) hours of Sexual Harassment Prevention education every two (2)
19 years.²

20
21 36. Defendant Cephas John, a manager, was required to receive training in
22 dealing with issues of sexual harassment and gender based violence.

23 37. Defendant Jose Lumbreras was a graduate student instructor, researcher, assistant,
24 and/or tutor who was also subject to taking the mandatory sexual harassment and gender based
25 violence training course.³

26
27 ¹ University of California Office of the Chancellor, Sexual Harassment Reporting Procedures section A(1)
located at [//ophd.berkeley.edu/faq-page](http://ophd.berkeley.edu/faq-page).

28 ² Please see Cal. Gov't Code 12950.1 and California Law AB 1825.

1 38. Defendants U.C. Regents knew or should have known from personnel records,
2 academic records, and prior incidents that Defendant's agent, student, and employee Jose
3 Lumbreras presented an unreasonable risk of harm to the health and physical safety of Milanca
4 and her minor child, Xavier.

6 39. Plaintiffs are informed and believe and thereon allege that stalking, dating and
7 domestic violence can and does take the form of subjecting females and minor children to abuse
8 while the assailant is under the influence of alcohol and/or narcotics.

10 40. Defendant U.C. Regents had a duty to require students and other residents upon its
11 premises to report domestic violence related incidents, as described herein.

12 41. Plaintiffs are informed and believe and thereon allege that on or about May 18, 2012,
13 Defendant Lumbreras drove a 1999 Cadillac sedan while he was under the influence of narcotics
14 and/or alcohol such that his blood alcohol content from a blood draw was .219. While Milanca
15 Lopez and her minor child, Xavier C., were in the vehicle, Defendant did drive the vehicle in
16 such a manner that he caused it to collide with a tree at the intersection of California Street and
17 Allston Way in the city of Berkeley, California. In doing so, Defendant caused death and serious
18 bodily injury to Milanca Lopez and Xavier C.

20 42. On information and belief, Milanca Lopez was pronounced dead at the scene of the
21 incident on May 18, 2012 at approximately 1:13a.m..⁴ Xavier C. sustained serious bodily injury
22 due to the collision and was transported to the Children's Hospital in Oakland, California, where
23 he remained in critical condition until the time of his death on May 25, 2012.

26 ³ University of California Office of the Chancellor, Sexual Harassment Reporting Procedure: "Who is a
27 supervisor?" located at [//ophd.berkeley.edu/faq-page](http://ophd.berkeley.edu/faq-page).

28 ⁴ City of Berkeley Police Department Report No.:2012-00026159.

1 43. Based upon the above-cited facts and allegations, Plaintiffs bring this wrongful death
2 and survival action.

3 FIRST CAUSE OF ACTION

4 **VIOLATION OF TITLE IX PURSUANT TO 20 U.S.C. 1681(a)**

5 **[AGAINST DEFENDANT U.C. REGENTS]**

6 **AND**

7 **[AGAINST DEFENDANT CEPHAS JOHN]**

8
9 44. Plaintiffs reallege and incorporate by reference the allegations contained in
10 paragraphs 1-43 above as though fully set forth in this cause of action.

11
12 45. This is an action against Defendant U.C. Regents for violation of Title IX of the
13 Education Amendments of 1972, 20 U.S.C. § 1681 et seq. for discrimination on the basis of sex
14 based on the sexual harassment of Milanca Lopez which excluded Milanca from participation in,
15 denied her the benefit of, and subjected her to discrimination under an education program or
16 activity of Defendant.

17
18 46. At all times herein mentioned, Defendant U.C. Berkeley was a public university
19 whom received federal financial assistance through grants and federally assisted tuition
20 payments collected from students. Thus, Defendant is a recipient of Federal financial assistant
21 for purposes of Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq.

22
23 47. At all times herein mentioned, Defendant Jose Hugo Lumbreras was a graduate
24 school student, teacher, researcher, assistant, and tutor enrolled in the Ethnic Studies Department
25 of U.C. Berkeley, an institution owned, maintained, and managed by Defendant U.C. Regents.

26
27 48. Based upon information and belief, Defendant Lumbreras receive a benefit from U.C.

1 Berkeley in return for teaching, tutoring, and assisting professors in teaching courses at the
2 university. As such, Defendant Lumbreras maintained authority and control over female
3 undergraduate students, including Milanca Lopez, a student at U.C. Berkeley.
4

5 49. From August 2011 to May 18, 2012, Defendant Lumbreras harassed Milanca Lopez
6 based upon her sex and Mexican-American race and ethnicity, such that she was denied benefits
7 and precluded from participation in school programs that received Federal financial assistance, in
8 violation of Title IX of the Education Amendments of 1972.
9

10 50. Further, Milanca Lopez was scheduled to receive the benefits associated with U.C.
11 Berkeley university housing until approximately June 29, 2012. Milanca was scheduled to pay
12 for these benefits with federal and state student aid receive through and paid to U.C. Berkeley.
13 On June 29, 2012, Milanca was accepted and set to enroll as a graduate student at the University
14 of California Los Angeles.
15

16 51. On information and belief, Defendant Lumbreras engaged in acts of verbal
17 aggression, physical aggression, intimidation, and hostility against Milanca based upon her sex
18 (female).
19

20 52. These above-cited acts of gender based harassment wrongfully deprive Milanca of
21 educational opportunities and benefits.
22

23 53. Defendants actions were done with evil motive and/or intent, and callous indifference
24 to Milanca's rights.
25

26 54. Further, said acts were so severe as to damage the physical, mental, and emotional
27 health of Milanca and her minor child, Xavier. Ultimately, the severity of the actions and
28 inactions of each Defendant led to the death of Milanca Lopez and her minor child, Xavier C.

1 55. The actions of Defendant Lumbreras were pervasive in that they took place over the
2 course of at least one year, and, permeated all aspects of Milanca's personal, academic, and
3 familial life. Defendant Lumbreras was allowed to harassment, intimidate, and physically beat
4 Milanca both publically and in private on numerous occasions. Defendants acts took place at
5 numerous locations throughout campus and in front numerous U.C. students, in Milanca's home,
6 the Defendant's home, and at the home of Milanca's neighbor. Defendant Lumbreras even
7 regularly harassed, intimidated, and beat Milanca in front of her minor child, Xavier C.

8
9 56. The actions of Defendant Lumbreras were such that Defendant U.C. Regents
10 knew or should have known that Defendant Lumbreras was harassing Milanca based upon her
11 sex and Mexican-American ethnicity.

12
13 57. In fact, based upon the May 7, 2012 telephone calls and email to Defendant's
14 employee Cephus John, Defendant U.C. Regents had actual knowledge of the harassment,
15 intimidation, and abuse two weeks before Defendant Lumbreras caused Milanca's death. On
16 information and belief, Defendant Cephas John had the authority to prevent further harassment
17 and abuse.

18
19 58. Further, students and residents of Defendant U.C. Regents had actual knowledge of
20 the stalking, dating, and domestic violence perpetrated upon Milanca by Defendant Lumbreras.
21 These students had a duty to report such abuse but failed to do so.

22
23 59. Defendant U.C. Regents acted with deliberate indifference to the acts of sexual
24 harassment, intimidate, and abuse perpetuated on Milanca Lopez by its agent, Defendant
25 Lumbreras.

26 WHEREFORE, plaintiffs pray for relief as set forth below.
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28

1
2 SECOND CAUSE OF ACTION

3 **NEGLIGENCE PER SE**

4
5 **[AGAINST U.C. REGENTS]**

6 **[Penal Code § 13730]**

7 **[AGAINST CEPHAS JOHN]**

8 **[Cal. Gov't Code §12950.1]**

9 **[U.C. Office of the Chancellor, Sexual Harassment Reporting Procedures]**

10
11
12 60. Plaintiffs reallege and incorporate by reference the allegations contained in
13 paragraphs 1-59 above as though fully set forth in this cause of action.

14 61. Defendant U.C. Regents maintained ownership, possession, control, and authority
15 over the University of California Berkeley campus, including but not limited to the University
16 Village residential apartment complex reserved for students with children, and, the U.C. Police
17 Department responsible for policing the University Village.

18
19 62. Plaintiffs are informed and believe and thereon allege that at all times mentioned in
20 the complaint, each of the Defendants was the agent and employee of Defendant U.C. Regents,
21 and in doing the things alleged in this complaint, was acting within the course and scope of this
22 agency and employment.

23
24 63. In 2007, the Defendant U.C. Regents received a \$1 million dollar grant from the
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28

1 United States Department of Justice Office of Violence Against Women in order to implement
2 comprehensive educational programs that addressed sexual assault, dating and domestic
3 violence, and stalking in order to help prevent violence against women on U.C. premises.
4

5 64. Defendant U.C. Regents had a duty to properly train its employees, supervisors, and
6 Students such as Defendant Cephas John and Defendant Lumbreras, regarding sexual harassment
7 and gender based violence based upon Cal. Gov't Code §12950.1 and Defendant U.C. Regents
8 own policy guidelines.
9

10 65. The U.C. Police Department had a further duty to properly report, investigate, and
11 prevent the actions of Defendant Lumbreras that involved intimidation, dating, and domestic
12 violence pursuant to Penal Code § 13730.
13

14 66. Milanca Lopez was a student of the University of California who lived on Defendants
15 campus facility in the University Village with her six year old son, Xavier C. As such, Milanca
16 and Xavier, were within the class of person(s) to whom the statutes and university policy was
17 designed to protect. As such, Defendant U.C. Regents owed a duty of reasonable care to
18 Milanca and Xavier.
19

20 67. Defendant U.C. Regents breached each of its above-cited duties by failing to report,
21 investigate, and otherwise prevent Defendant Lumbreras' harassment, intimidation, dating and
22 domestic violence against Milanca and Xavier.
23

24 68. As a result of the negligence of Defendants and each of them, Milanca and her son
25 Xavier, suffered great mental, emotional, and nervous pain and suffering, and death. As a result
26 of these injuries, Plaintiffs have suffered general damages.
27

28 WHEREFORE, plaintiffs pray for relief as set forth below.

1
2
3 THIRD CAUSE OF ACTION

4 **NEGLIGENCE**

5 **[AGAINST CEPHAS JOHN]**

6 **[AGAINST DEFENDANT U.C. REGENTS]**

7 69. Plaintiffs reallege and incorporate by reference the allegations contained in
8 paragraphs 1-68 above as though fully set forth in this cause of action.

9
10 70. On information and belief, at all times alleged herein, Defendant U.C. Regents
11 maintained ownership, possession, control, and authority over the University of California
12 Berkeley campus, including but not limited to the University Village residential apartment
13 complex and its staff.

14 71. Milanca Lopez was a student of the University of California who lived in the
15 University Village with her six year old son, Xavier C. As such, Milanca and Xavier, were
16 within the class of person(s) to whom Defendant U.C. Regents owed a duty of reasonable care.

17
18 72. Defendants knew or should have known, based upon the telephone calls, emails, and
19 incidents made known to Mr. Cephas John that its graduate student, teacher, assistant and tutor
20 Defendant Jose Lumbreras was actively harassing, intimidating, and violently abusing Milanca
21 and her minor child such that there physical safety was at risk.

22
23 73. Defendant U.C. Regents, through its employee Mr. Cephus John, knew of this and
24 prior abuse but failed to take reasonable steps to investigate, report, and prevent Defendant's
25 Jose Lumbreras incidents of stalking, dating, and domestic violence against Milanca and Xavier.

26
27 74. As a result of Defendants negligence, Milanca and Xavier suffered great mental,
28

1 emotional, and nervous pain and suffering, and eventual death. As a result of these injuries,
2 Plaintiffs have suffered general damages.

3 WHEREFORE, plaintiffs pray for relief as set forth below.
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5
6 FOURTH CAUSE OF ACTION

7 **NEGLIGENCE**

8 **[AGAINST CEPHAS JOHN]**

9 **[AGAINST U.C. REGENTS VIA RESPONDEAT SUPERIOR]**
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12 75. Plaintiffs reallege and incorporate by reference the allegations contained in
13 paragraphs 1-74 above as though fully set forth in this cause of action.

14 76. Defendant Cephas John was employed by Defendant U.C. Regents as the Family
15 Housing Assignment Coordinator of the University Village residential apartment complex. As
16 such, he was the agent and employee of Defendant U.C. Regents, and in doing the things alleged
17 in this complaint, was acting within the course and scope of this agency and employment.
18

19 77. Milanca Lopez was a student of the University of California who lived in the
20 University Village with her six year old son, Xavier C. As such, Milanca and Xavier, were
21 within the class of persons to whom Defendant Cephus John owed a duty of reasonable care.
22

23 78. Plaintiffs are informed and believe and allege thereon that from April to May of 2012,
24 Milanca Lopez informed the staff of the University Village via telephone calls and email that she
25 was the victim of stalking, dating, and/or domestic violence committed by Defendant Jose
26 Lumbreras.
27
28

1 79. Further, based upon the above-cited incidents, Defendants knew or should have
2 known that Milanca Lopez was the victim of stalking, dating, and domestic violence on campus
3 premises and that there was an imminent danger to the health and safety of Milanca and her
4 minor child.
5

6 80. In spite of this knowledge, Defendant Cephus John and Defendant U.C. Regents
7 failed to properly conduct an investigate, report, or take any reasonable steps to prevent further
8 incidents of stalking, dating, and/or domestic violence against her.
9

10 81. As a direct and legal result of the negligence of Defendant Cephus John and
11 Defendant U.C. Regents, Milanca and her son Xavier, suffered great mental, emotional injuries,
12 including nervous pain and suffering and death. As a result of these injuries, Plaintiffs have
13 suffered general damages.
14

15 WHEREFORE, plaintiffs pray for relief as set forth below.
16

17 FIFTH CAUSE OF ACTION

18 **NEGLIGENT SUPERVISION**

19 **[AGAINST DEFENDANT U.C. REGENTS]**
20

21
22 82. Plaintiffs reallege and incorporate by reference the allegations contained in
23 paragraphs 1-81 above as though fully set forth in this cause of action.

24 83. Plaintiffs are informed and believe and based thereon allege that Defendants were
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1 acting as agents of each other. Each Defendant knew or should have known that the other
2 Defendant was engaging in wrongful conduct alleged herein, and, that this conduct would
3 directly and proximately result in injury to Milanca and Xavier.
4

5 84. As Defendant Lumbreras was enrolled as a graduate student and employed by
6 Defendant U.C. Regents as a teacher, assistant, and tutor, Defendant U.C. Regents had the
7 authority to supervise, prohibit, control, and/or regulate Defendant Lumbreras so as to prevent
8 him from harassing, intimidating, and abusing Milanca and Xavier.
9

10 85. Defendant U.C. Regents knew or reasonably should have known that unless they
11 intervened to protect Milanca and Xavier, that Defendant Lumbreras would perceive his acts and
12 omissions as being ratified and condoned.

13 86. Defendant U.C. Regents failed to exercise due care by failing to supervise, prohibit,
14 control, or regulate Defendant Lumbreras in order to protect Milanca and Xavier. As a direct
15 and proximate result of Defendants' acts and omissions, Milanca and Xavier suffered injuries,
16 including, in an amount to be determined at trial.
17

18 WHEREFORE, plaintiffs pray for relief as set forth below.
19

20
21 SIXTH CAUSE OF ACTION

22 **PREMISE LIABILITY**

23 **[AGAINST DEFENDANT U.C. REGENTS]**

24 87. Plaintiffs reallege and incorporate by reference the allegations contained in
25 paragraphs 1-86 above as though fully set forth in this cause of action.
26

27 88. Plaintiffs are informed and believe and thereon allege that Defendant U.C. Regents
28

1 all times herein mentioned possessed, controlled, managed, and operated the premises known as
2 the University of California at Berkeley, as well as, the University Village residential housing
3 complex located in Albany, California.
4

5 89. On or about January 2012 to May 19, 2012, Milanca Lopez lived and leased an
6 apartment located in the University Village housing complex with her six year old son Xavier C.
7 at 980 Ohlone Ave. Apartment #987, Albany, California. As a result, Defendants owed Milanca
8 Xavier a duty to exercise ordinary care in the management of the property.
9

10 90. Defendants U.C. Regents knew or should have known from personnel records,
11 academic records, and prior incidents that Defendant's agent, student, and employee Jose
12 Lumbreras presented an unreasonable risk of harm to the health and physical safety of Milanca
13 and her minor child, Xavier.
14

15 91. Defendant U.C. Regents was negligent in the use and maintenance of its property by
16 failing to take active steps to prevent the risk of harm presented by Defendant Lumbreras, and,
17 by otherwise failing to warn Milanca and Xavier that Defendant Jose Lumbreras presented an
18 unreasonable risk of harm to their health and safety.
19

20 92. As a direct and proximate result of Defendants negligence, Milanca Lopez and Xavier
21 C. were injured in their health, strength, and activity, sustaining injury to his/her nervous system
22 and person, all of which injuries have caused Milanca Lopez and Xavier C. great mental,
23 physical, nervous pain and suffering, and death.
24

25 WHEREFORE, plaintiffs pray for relief as set forth below.
26
27
28

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

[AGAINST DEFENDANT JOSE HUGO LUMBRERAS]

93. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1 through 92 above as though set forth fully in this cause of action.

94. Plaintiffs are informed and believe and based thereon allege that Defendants were acting as agents of each other. Each Defendant knew or should have known that the other Defendant was engaging in wrongful conduct alleged herein, and, that this conduct would directly and proximately result in injury to Milanca and Xavier.

95. As Defendant Lumbreras was enrolled as a graduate student and employed by Defendant U.C. Regents as a teacher, assistant, and tutor, Defendant U.C. Regents had the authority to supervise, prohibit, control, and/or regulate Defendant Lumbreras so as to prevent him from harassing, intimidating, and abusing Milanca and Xavier.

96. Defendants U.C. Regents knew or should have known from personnel records, academic records, and prior incidents that Defendant's agent, student, and employee Jose Lumbreras presented an unreasonable risk of harm to the health and physical safety of Milanca and her minor child, Xavier.

97. Defendants, each of them, engaged in outrageous conduct towards Milanca and Xavier, with the intention to cause or with reckless disregard for the probability of causing them to suffer severe emotional distress. The remaining Defendants ratified said conduct with a wanton and reckless disregard of the deleterious consequences to Milanca and Xavier.

98. As a proximate result of said conduct, Milanca and Xavier suffered extreme mental

1 distress, humiliation, anguish, and emotional and physical injuries, as well as economic losses in
2 an amount to be proven at trial.

3 WHEREFORE, plaintiffs pray for relief as set forth below
4

5
6 EIGHTH CAUSE OF ACTION

7 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

8 **[AGAINST DEFENDANT JOSE HUGO LUMBRERAS]**

9 **[AGAINST DEFENDANT U.C. REGENTS]**
10

11 99. Plaintiffs reallege and incorporate by reference the allegations contained in
12 paragraphs 1 through 98 above as though set forth fully in this cause of action.

13 100. Plaintiffs are informed and believe and based thereon allege that Defendants were
14 acting as agents of each other. Each Defendant knew or should have known that the other
15 Defendant was engaging in wrongful conduct alleged herein, and, that this conduct would
16 directly and proximately result in injury to Milanca and Xavier.
17

18 101. As Defendant Lumbreras was enrolled as a graduate student and employed by
19 Defendant U.C. Regents as a teacher, assistant, and tutor, Defendant U.C. Regents had the
20 authority to supervise, prohibit, control, and/or regulate Defendant Lumbreras so as to prevent
21 him from harassing, intimidating, and abusing Milanca and Xavier.
22

23 102. Defendants U.C. Regents knew or should have known from personnel records,
24 academic records, and prior incidents that Defendant's agent, student, and employee Jose
25 Lumbreras presented an unreasonable risk of harm to the health and physical safety of Milanca
26 and her minor child, Xavier.
27
28

103. Defendants, each of them, knew or should have known that the conduct described herein would and did proximately result in physical and emotional distress to Milanca and Xavier.

104. At all relevant times, all Defendants, and each of them, had the power, ability, authority, and duty to stop engaging in the conduct described herein and/or intervene to prevent or prohibit said conduct.

105. Despite said knowledge, power, and duty, Defendants negligently failed to act so as to stop engaging in the conduct described herein and/or prevent such conduct or otherwise protect Milanca and Xavier. To the extent that said negligent conduct was perpetrated by certain Defendants, the remaining Defendants confirmed and ratified said conduct with the knowledge that Milanca and Xavier's emotional and physical distress would thereby increase, and with a wanton and reckless disregard for the deleterious consequences to them.

106. As a direct and proximate result of said conduct, Milanca and Xavier suffered extreme mental distress, humiliation, anguish, and emotional and physical injuries, as well as economic losses in an amount to be proven at trial.

WHEREFORE, plaintiffs pray for relief as set forth below

NINTH CAUSE OF ACTION

BATTERY

[AGAINST DEFENDANT JOSE HUGO LUMBRERAS]

[AGAINST DEFENDANT U.C. REGENTS VIA RESPONDEAT SUPERIOR]

1 107. Plaintiffs reallege and incorporate by reference the allegations contained
2 in paragraphs 1-106 above as though fully set forth in this cause of action.

3 108. Defendant Jose Hugo Lumbreras was enrolled as a graduate level student
4 in the Ethnic Studies Department of U.C. Berkeley. Based upon information and belief,
5 Plaintiffs allege that at all times mentioned, Defendant was employed as a student teacher,
6 assistant, and tutor in the Ethnic Studies Department of Defendant U.C. Regents. As such,
7 Defendant was the agent and employee of Defendant U.C. Regents, and in doing the things
8 alleged in this complaint, was acting within the course, scope, and authority of this agency and
9 employment.
10

11
12 109. On or about April to May 2012, Defendant Jose Lumbreras slapped,
13 punched, and kicked Milanca Lopez inside of her apartment while her minor child was present.

14 110. Milanca Lopez did not consent to being slapped, punched, or kicked.

15 111. Milanca Lopez sustained injuries from this attack, including bruising on
16 her arms, legs, and stomach; as well as emotional suffering.
17

18 WHEREFORE, plaintiffs pray for relief as set forth below.

19 TENTH CAUSE OF ACTION

20 **ASSAULT**

21 **[AGAINST DEFENDANT JOSE HUGO LUMBRERAS]**

22 **[AGAINST DEFENDANT U.C. REGENTS VIA RESPONDEAT SUPERIOR]**
23
24

25 112. Plaintiffs reallege and incorporate by reference the allegations contained
26 in paragraphs 1-111 above as though fully set forth in this cause of action.
27
28

1 113. Defendant Jose Hugo Lumbreras was the agent and employee of
2 Defendant U.C. Regents, and in doing the things alleged in this complaint, was acting within the
3 course, scope, and authority of this agency and employment.
4

5 114. On or about April to May 2012, Defendant Jose Lumbreras caused
6 Milanca Lopez to be constantly apprehensive that she would be subjected to intentional invasion
7 of her right to be free from offensive and harmful physical contact.
8

9 115. Defendant had the present ability enact harmful and offensive contact
10 upon Milanca, and on multiple occasions, did so.
11

12 116. As a proximate result of said conduct, Milanca suffered extreme mental
13 distress, humiliation, anguish and emotional and physical injuries and loss, all to her damage in
14 amount to be proven at trial.
15

16 117. Defendant Lumbreras committed the acts alleged herein maliciously,
17 fraudulently and oppressively with the wrongful intention of injuring Milanca from an improper
18 and evil motive amounting to malice and in conscious disregard of Milanca's rights. Milanca
19 thus is entitled to recover punitive damages from Defendants in amounts to be proven at trial.
20

21 WHEREFORE, plaintiffs pray for relief as set forth below.
22

23 ELEVENTH CAUSE OF ACTION

24 **GENDER VIOLENCE [Cal. Civ. Code 52.4]**

25 **[AGAINST DEFENDANT JOSE HUGO LUMBRERAS]**

26 **[AGAINST DEFENDANT U.C. REGENTS]**

27 118. Plaintiffs reallege and incorporate by reference the allegations contained
28

1 in paragraphs 1-117 above as though fully set forth in this cause of action.

2 119. Defendant Jose Lumbreras maintained a personal, intimate, and dating relationship
3 with Milanca.

4
5 120. Defendant physically punched, slapped, kicked, and threatened to use force against
6 Milanca during the course of this relationship, including on or about May 3, 2012.

7 121. Milanca suffered physical and emotional injuries including bruising on her arms
8 and legs as a result of this abuse.

9
10 122. Defendant's words, actions, and repeated attacks are evidence that he inflicted this
11 physical and threatening force upon Milanca based upon her gender, female.

12 WHEREFORE, plaintiffs pray for relief as set forth below.

13
14 TWELTH CAUSE OF ACTION

15 **VIOLATION OF TITLE VI PURSUANT TO 42 U.S.C. 2000d et seq.**

16
17 [AGAINST DEFENDANT U.C. REGENTS]

18
19 123. Plaintiffs reallege and incorporate by reference the allegations contained
20 in paragraphs 1-122 above as though fully set forth in this cause of action.

21
22 124. At all times herein mentioned, Defendant U.C. Regents maintained and controlled
23 U.C. Berkeley, a public university whom received federal financial assistance through grants and
24 federally assisted tuition payments collected from students. Thus, Defendant is a recipient of
25 Federal financial assistant for purposes of Title VI of the 1964 Civil Rights Act, 42 U.S.C.
26 §2000d et seq.

1 125. At all times herein mentioned, Defendant Jose Hugo Lumbreras was a graduate
2 school student, teacher, researcher, assistant, and tutor enrolled in the Ethnic Studies Department
3 of U.C. Berkeley, an institution owned, maintained, and controlled by Defendant U.C. Regents.
4 As such, Defendant was the agent of U.C. Regents.
5

6 126. Based upon information and belief, Defendant Lumbreras receive a benefit from
7 U.C. Berkeley in return for teaching, tutoring, and assisting professors in teaching courses at the
8 university. As such, Defendant Lumbreras maintained authority and control over female
9 undergraduate students, including Milanca Lopez, a student at U.C. Berkeley.
10

11 127. From August 2011 to May 18, 2012, Defendant Lumbreras harassed Milanca Lopez
12 based upon her Mexican-American race and ethnicity, such that she was denied benefits and
13 precluded from participation in school programs that received Federal financial assistance, in
14 violation of Title VI.
15

16 128. Further, Milanca Lopez was scheduled to receive the benefits associated with U.C.
17 Berkeley university housing until approximately June 29, 2012. Milanca was scheduled to pay
18 for these benefits with federal and state student aid receive through and paid to U.C. Berkeley.
19 On June 29, 2012, Milanca was accepted and set to enroll as a graduate student at the University
20 of California Los Angeles.
21

22 129. On information and belief, Defendant Lumbreras engaged in acts of verbal
23 aggression, physical aggression, intimidation, and hostility against Milanca based upon his
24 assertion that Milanca was an "Americanized" Mexican whom was not "Mexican" or radical
25 enough.
26

27 130. These above-cited acts of race based harassment wrongfully deprive Milanca of
28

1 The above-cited educational opportunities and benefits. These acts pervaded Milanca's
2 academic, personal, and familial environments.

3 131. Defendant U.C. Regents had actual and constructive knowledge of this
4 abuse but, due to its deliberate indifference, Defendant U.C. Regents failed to take active steps to
5 prevent its agent from creating a hostile environment.
6

7 132. Defendants actions were done with evil motive and/or intent, and callous
8 indifference to Milanca's rights.
9

10 133. Further, said acts were so severe as to damage the physical, mental, and emotional
11 health of Milanca and her minor child, Xavier. Ultimately, the severity of the actions and
12 inactions of each Defendant led to the death of Milanca Lopez and her minor child, Xavier C.

13 134. The actions of Defendant Lumbreras were pervasive in that they took
14 place over the course of at least one year, and, permeated all aspects of Milanca's personal,
15 academic, and familial life. Defendant Lumbreras was allowed to harassment, intimidate, and
16 physically beat Milanca both publically and in private on numerous occasions. Defendants acts
17 took place at numerous locations throughout campus and in front numerous U.C. students, in
18 Milanca's home, the Defendant's home, and at the home of Milanca's neighbor. Defendant
19 Lumbreras even regularly harassed, intimidated, and beat Milanca in front of her minor child,
20 Xavier C.
21
22

23 135. In fact, students and residents of Defendant U.C. Regents had actual knowledge
24 of the stalking, dating, and domestic violence perpetrated upon Milanca by Defendant
25 Lumbreras. These students had a duty to report such abuse but failed to do so.
26

27 136. Defendant U.C. Regents acted with deliberate indifference to the acts of
28

1 harassment, intimidate, and abuse perpetuated on Milanca Lopez by Defendant Lumbreras.

2 WHEREFORE, plaintiffs pray for relief as set forth below.

3
4
5 THIRTEENTH CAUSE OF ACTION

6 **NEGLIGENCE- WRONGFUL DEATH**

7 [AGAINST DEFENDANT JOSE LUMBRERAS]

8 137. Plaintiffs reallege and incorporate by reference the allegations contained
9 in paragraphs 1-137 above as though fully set forth in this cause of action.

10 138. Defendant Lumbreras owed a duty to Milanca and her minor child, Xavier.

11 139. Defendant Lumbreras breached said duty by driving negligent and reckless
12 manner.
13

14 140. Said breach proximately caused injury and damages to Milanca and Xavier in an
15 amount to be proven at trial.
16

17 **PRAYER**

18 WHEREFORE, plaintiffs pray for judgment against Defendants, and each of them, as
19 follows:

20 For general damages according to proof;

21 For special damages according to proof;

22 For loss of earnings according to proof;

23 For damages to personal property according to proof;

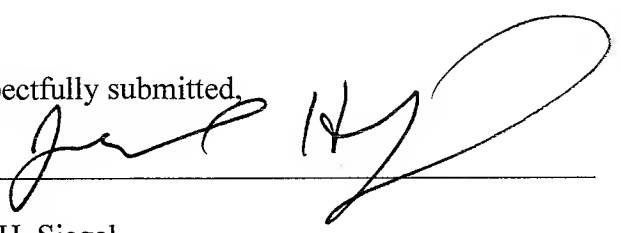
24 For interest at the legal rate according to proof;

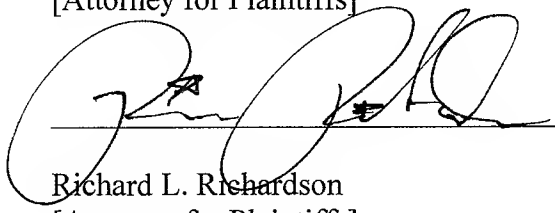
1 For an award of costs, including attorney's fees pursuant to Title VI, Title IX, and
2 Cal. Civ. Code §52.4; and

3 For such other and further relief as the court deems proper.
4

5
6 Dated: May 16, 2013

Respectfully submitted,

7 
8 _____
9 Joel H. Siegal
10 [Attorney for Plaintiffs]

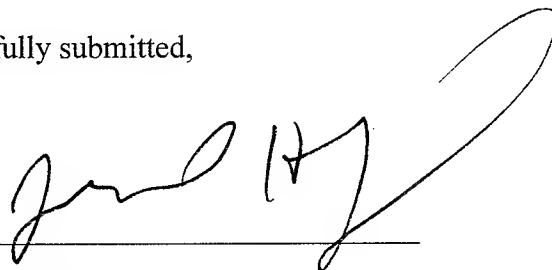
11 
12 _____
13 Richard L. Richardson
14 [Attorney for Plaintiffs]
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1
2
3 **DEMAND FOR JURY TRIAL**

4 Plaintiffs in the above-entitled action hereby request a trial by jury on all claims for relief.

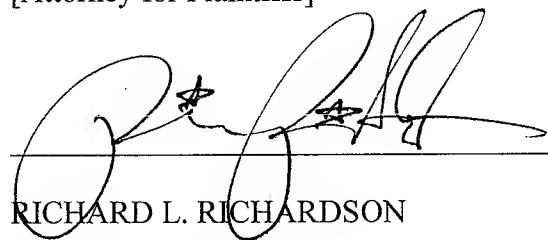
5
6 Respectfully submitted,

7
8 Dated this 16th of May, 2013

9 

10 JOEL H. SIEGAL

11 [Attorney for Plaintiffs]

12
13 

14 RICHARD L. RICHARDSON

15 [Attorney for Plaintiffs]
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AMENDE

SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)**NOTICE TO DEFENDANT:****(AVISO AL DEMANDADO):**

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA; JOSE HUGO LUMBRERAS;
CEPHAS JOHN; AND DOES 1-100..

YOU ARE BEING SUED BY PLAINTIFF:**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

MEDARDO LOPEZ and MARGARITA LOPEZ, as parents of decedent MILANCA LOPEZ;
and, as representatives of XAVIER C., deceased.

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

Renee C. Davidson Courthouse (Civil Unlimited Jurisdiction)
1225 Fallon Street
Oakland, California 94612

CASE NUMBER:
(Número del Caso):

RG 13679125

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Joel H. Siegal; Richard L. Richardson; 703 Market St., Suite 801; San Francisco, CA 94103; Tel: 415.777.5547

DATE:

(Fecha)

Clerk, by

(Secretario)

, Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.

2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

☐ other (specify):

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.90 (authorized person)

4. ☐ by personal delivery on (date):